

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA,**

Plaintiff

- v -

Civ. No. 1:05-CV-1270  
(DNH/RFT)

**GENERAL ELECTRIC COMPANY,**

Defendant.

**RANDOLPH F. TREECE  
U.S. MAGISTRATE JUDGE**

**ORDER**

Under 28 U.S.C. § 455(a), “[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” In particular, a judge must disqualify himself “[w]here he has a personal bias or prejudice concerning a party” in the case before the court. *Id.* at § 455(b)(1). Furthermore, when a judge knows that “he, individually or as a fiduciary . . . has a financial interest in the subject matter in controversy or in a party to the proceeding” recusal shall similarly ensue. *Id.* at § 455(b)(4). “Financial interest” is defined as “ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party.” *Id.* at § 455(d)(4). In the instant case, the undersigned owns a nominal number of shares in General Electric, and as such, recusal is mandated.<sup>1</sup>

WHEREFORE, it is hereby

ORDERED, that the undersigned disqualifies himself from assignment to this action; and it is further

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<sup>1</sup> The undersigned notes that the basis for this recusal cannot be waived by the parties. 28 U.S.C. § 455(e) (“No justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b).”).

ORDERED, that, in accordance with General Order 12(G)(2), the Clerk of the Court shall reassign this case at random and provide this Court with a debit in the appropriate category; and it is further

ORDERED, that the Clerk of the Court shall serve this Order upon the parties who have appeared in this action.

IT IS SO ORDERED.

Date: July 13, 2006  
Albany, New York



RANDOLPH F. TREECE  
United States Magistrate Judge